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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,
10 Plaintiff,
11 v.
12 JORGE ABRAMOVIS,
13 Defendant.

2:21-CR-027-RFB-DJA

**United States of America's Unopposed
Motion for an Interlocutory Order of Sale
of 3726 South Las Vegas Boulevard, Units
509 and 1803, Las Vegas, Nevada**

14 **MOTION AND MEMORANDUM OF POINTS AND AUTHORITIES**

15 The United States of America (United States) respectfully moves this Court for an
16 Order for an interlocutory private judicial sale of the following real properties for the
17 reasons set forth herein:

18 1. real property located at 3726 South Las Vegas Boulevard, Unit 509, Las
19 Vegas, Clark County, Nevada, APN 162-20-714-020; and

20 MORE PARTICULARLY DESCRIBED AS:

21 PARCEL 1:

22 UNIT 509 IN BUILDING WEST IN VEER TOWERS, AS SHOWN ON THAT
23 CERTAIN FINAL MAP OF THE VEER TOWERS, A RESORT
24 CONDOMINIUM SUBDIVISION ON FILE IN BOOK 142 OF PLATS, PAGE
25 42 AND AS SET FORTH IN THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS AND RESERVATION OF
EASEMENTS FOR VEER TOWERS RECORDED MAY 03, 2010 IN BOOK
20100503 AS INSTRUMENT NO. 0002036, BOTH IN THE OFFICE OF THE
COUNTY RECORDER, CLARK COUNTY, NEVADA.

26 PARCEL 2:

27 AN ALLOCATED INTEREST AS A TENANT-IN-COMMON IN THE
28 COMMON ELEMENTS OF VEER TOWERS (INCLUDING ANY

1 ANNEXATIONS THERETO), AS SHOWN BY THE MAP AND AS SET
2 FORTH IN THE DECLARTION.

2 PARCEL 3:

3 AN EXCLUSIVE EASEMENT APPURTENANT TO PARCELS 1 AND 2
4 DESCRIBED ABOVE, OVER AREAS DEFINED AND DESCRIBED AS
5 LIMITED COMMON ELEMENTS, IF ANY, ALLOCATED TO PARCELS 1
6 AND 2 IN THE DECLARATION AND AS SHOWN AND DELINEATED
7 UPON THE MAP REFFERED TO ABOVE.

8 PARCEL 4:

9 NON-EXCLUSIVE EASEMENTS FOR ACCESS, INGRESS, EGRESS, USE
10 AND OTHER PURPOSES ALL DESCRIBED IN THE DECLARATION AND
11 IN THAT CERTAIN (A) DECLARTION OF CENTRAL PLANT
12 EASEMENTS, DATED DECEMBER 01, 2009 AND RECORDED DECEMBER
13 01, 2009 IN BOOK 20091201 AS INSTRUMENT NO. 0002884 OF OFFICIAL
14 RECORDS, AND AS AMENDED BY THAT CERTAIN FIRST AMENDMENT
15 TO DECLARATION OF CENTRAL PLANT EASEMENTS, DATED
16 JANUARY 07, 2010 AND RECORDED JANUARY 07, 2010 IN BOOK
17 20100107 AS INSTRUMENT NO. 0000577 OF OFFICIAL RECORDS; (B)
18 PARKING AND ACCESS AGREEMENT, DATED APRIL 28, 2010 AND
19 RECORDED MAY 03, 2010 IN BOOK 20100503 AS INSTRMENT NO. 0000515
20 OF OFFICIAL RECORDS; (C) DECLARATION OF SUPPORT AND
ENCROACHMENT EASEMENTS, DATED DECEMBER 01, 2009 AND
RECORDED DECEMBER 01, 2009 IN BOOK 20091201 AS INSTRUMENT
NO. 0002885 OF OFFICIAL RECORDS, AND AS AMENDED BY THAT
CERTAIN FIRST AMENDMENT TO DECLARATION OF SUPPORT AND
ENCROACHMENT EASEMENTS, DATED JANUARY 07, 2010 AND
RECORDED JANUARY 07, 2010 IN BOOK 20100107 AS INSTRUMENT NO.
0000578 OF OFFICIAL RECORDS; AND (D) DECLARATION OF LIFE
SAFETY SYSTEMS EASEMENTS, DATED DECEMBER 01, 2009 AND
RECORDED DECEMBER 01, 2009 IN BOOK 20091201 AS INSTRUMENT
NO. 0002886 OF OFFICIAL RECORDS, AND AS AMENDED BY THAT
CERTAIN FIRST AMENDMENT TO DECLARATION OF LIFE SAFETY
SYSTEM EASEMENTS DATED JANUARY 07, 2010 AND RECORDED
JANUARY 07, 2010 IN BOOK 20100107 AS INSTRUMENT NO. 0000579 OF
OFFICIAL RECORDS, AND ALL IMPROVEMENTS AND
APPURTEANCES THEREON, APN: 162-20-714-020.

21 2. real property located at 3726 South Las Vegas Boulevard, Unit 1803, Las
22 Vegas, Clark County, Nevada, APN 162-20-714-153:

23 MORE PARTICULARLY DESCRIBED AS:

24 PARCEL I:

25 UNIT ONE THOUSAND EIGHT HUNDRED THREE (1803) IN BUILDING
26 "W" IN VEER TOWERS, AS SHOWN ON THAT CERTAIN FINAL MAP OF
27 THE VEER TOWERS, A RESORT CONDOMINIUM SUBDIVISION ON
FILE IN BOOK 142 OF PLATS, PAGE 42 (THE "MAP") AND AS SET
FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS AND RESERVATION OF EASEMENTS FOR VEER

1 TOWERS (THE "DECLARATION"), RECORDED MAY 03, 2010 IN BOOK
2 20100503 AS INSTRUMENT NO. 0002036, BOTH IN THE OFFICE OF THE
3 COUNTY RECORDER, CLARK COUNTY, NEVADA (THE "OFFICIAL
4 RECORDS").

5 PARCEL II:

6 AN ALLOCATED INTEREST AS A TENANT-IN-COMMON IN THE
7 COMMON ELEMENTS OF VEER TOWERS (INCLUDING ANY
8 ANNEXATIONS THEREOF) AS SHOWN BY THE MAP AND AS SET FORTH
9 IN THE DECLARTION.

10 PARCEL III:

11 AN EXCLUSIVE EASEMENT APPURTENANT TO PARCELS ONE (1) AND
12 TWO (2) DESCRIBED ABOVE, OVER AREAS DEFINED AND DESCRIBED
13 AS LIMITED COMMON ELEMENTS, IF ANY, ALLOCATED TO PARCELS
14 ONE (1) AND TWO (2) IN THE DECLARATION AND AD SHOWN AND
15 DELINEATED UPON THE MAP REFFERED TO ABOVE.

16 PARCEL IV:

17 NON-EXCLUSIVE EASEMENTS FOR ACCESS, INGRESS, EGRESS, USE
18 AND OTHER PURPOSES ALL DESCRIBED IN THE DECLARATION
19 AND IN THAT CERTAIN (A) DECLARTION OF CENTRAL PLANT
20 EASEMENTS, DATED DECEMBER 01, 2009 AND RECORDED
21 DECEMBER 1, 2009 IN BOOK 20091201 AS INSTRUMENT NO. 0002884
22 OF OFFICIAL RECORDS, AND AS AMENDED BY THAT CERTAIN
23 FIRST AMENDMENT TO DECLARATION OF CENTRAL PLANT
24 EASEMENTS, DATED JANUARY 7, 2010 AND RECORDED JANUARY 7,
25 2010 IN BOOK 20100107 AS INSTRUMENT NO. 0000577 OF OFFICIAL
1 RECORDS; (B) PARKING AND ACCESS AGREEMENT, DATED APRIL
2 28, 2010 AND RECORDED MAY 3, 2010 IN BOOK 20100503 AS
3 INSTRMNET NO. 0000515 OF OFFICIAL RECORDS; (C) DECLARATION
4 OF SUPPORT AND ENCROACHMENT EASEMENTS, DATED
5 DECEMBER 1, 2009 AND RECORDED DECEMBER 1, 2009 IN BOOK
6 20091201 AS INSTRUMENT NO. 0002885 OF OFFICIAL RECORDS, AND
7 AS AMENDED BY THAT CERTAIN FIRST AMENDMENT TO
8 DECLARATION OF SUPPORT AND ENCROACHMENT EASEMENTS,
9 DATED JANUARY 7, 2010 AND RECORDED JANUARY 07, 2010 IN
10 BOOK 20100107 AS INSTRUMENT NO. 0000578 OF OFFICIAL
11 RECORDS; AND (D) DECLARATION OF LIFE SAFETY SYSTEMS
12 EASEMENTS, DATED DECEMBER 1, 2009 AND RECORDED
13 DECEMBER 1, 2009 IN BOOK 20091201 AS INSTRUMENT NO. 0002886
14 OF OFFICIAL RECORDS, AND AS AMENDED BY THAT CERTAIN
15 FIRST AMENDMENT TO DECLARATION OF LIFE SAFETY SYSTEM
16 EASEMENTS DATED JANUARY 7, 2010 AND RECORDED JANUARY
17 07, 2010 IN BOOK 20100107 AS INSTRUMENT NO. 0000579, AND ALL
18 IMPROVEMENTS AND APPURTENANCES THEREON, APN: 162-20-714-
19 153.

20 (all of which constitutes Veer Condos).

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1 The grounds for granting the Order for an Interlocutory Sale of the Veer Condos are
 2 as follows. First, the Veer Condos are subject to taxes and fees, and the granting of an
 3 interlocutory sale will stop the accruing of taxes and fees against their value. Second,
 4 granting an interlocutory sale will avoid accidents and liability accruing against the Veer
 5 Condos. Third, this Court is authorized to approve interlocutory sales. Fourth, Jorge
 6 Abramovs, through his counsel, has agreed to the interlocutory sale.

7 Through the Interlocutory Order of Sale, the United States requests this Court to
 8 authorize Doug Sawyer to sell the Veer Condos through one of the Court's approved
 9 methods.

10 This Motion is made and is based on the papers and pleadings on file herein and this
 11 Memorandum of Points and Authorities.

12 **I. PROCEDURAL HISTORY**

13 1. On January 27, 2021, the grand jury returned an 11-Count Criminal Indictment
 14 charging Jorge Abramovs (Abramovs) in Counts 1-5 with bank fraud in violation of 18
 15 U.S.C. § 1344, in Count 6 with false statement to a financial institution in violation of 18
 16 U.S.C. § 1014, and in Counts 7-11 with monetary transactions in criminally derived
 17 property in violation of 18 U.S.C. § 1957. Criminal Indictment, ECF No. 16.

18 2. Abramovs is currently scheduled to go to trial on December 13, 2021, with calendar
 19 call scheduled for December 7, 2021, ECF No. 36.

20 **II. ARGUMENT**

21 This Court has authority to issue an Interlocutory Order of Sale. "At any time before
 22 entry of a final forfeiture order, the court, in accordance with Supplemental Rule [(Supp.
 23 R.)] G(7) of the Federal Rules of Civil Procedure, may order the interlocutory sale of
 24 property alleged to be forfeitable." Fed. R. Crim. P. 32.2(b)(7).

25 On motion by a party or a person having custody of the property, the court
 26 may order all or part of the property sold if: (A) the property is perishable or
 27 at risk of deterioration, decay, or injury by being detained in custody pending
 the action; (B) the expense of keeping the property is excessive or is
 disproportionate to its fair market value; (C) the property is subject to a

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1 mortgage or to taxes on which the owner is in default; or (D) the court finds
 2 other good cause.

3 Supp. R. G(7)(b) (paragraphs omitted).

4 Only one of the grounds for interlocutory sale is required since Supp. R. G(7)(b) is
 5 disjunctive. *See Shelter Cove Marina, Ltd. v. M/Y ISABELLA*, No. 3:17-cv-01578-GPC-
 6 BLM, 2017 WL 5906673, at *2 (S.D. Cal. Nov. 30, 2017) (explaining that another
 7 Supplemental Rule for interlocutory sale with similar language is disjunctive); *Cal. Yacht*
 8 *Marina-Chula Vista, LLC v. S/V OPILY*, No. 14-cv-1215-BAS-BGS, 2015 WL 1197540, at
 9 *2 (S.D. Cal. Mar. 16, 2015) (explaining the same).

10 The following reasons for the interlocutory sale apply in this case regarding the
 11 property: (1) the Veer Condos are subject to the continuing expense of accruing taxes and
 12 fees; (2) the properties' value is better protected by stopping the accrual of taxes and fees; (3)
 13 the sale of the properties avoids the potential for accidents and liability; and (4) the
 14 defendant has agreed to the interlocutory sale. Supp. R. G(7)(b); Fed. R. Crim. P.
 15 32.2(b)(7); *see United States v. One Parcel of Real Prop. Described as Lot 41, Berryhill Farm Estates*,
 16 128 F.3d 1386, 1389–90 (10th Cir. 1997). In *United States v. All Right, Title & Interest in Prop.,*
 17 *Appurtenances, & Improvements Known as 479 Tamarind Drive, Hallendale, Fla.*, 98 CIV. 2279
 18 DLC, 2012 WL 3886698, at *2 (S.D.N.Y. Sept. 7, 2012), the court granted the interlocutory
 19 sale because the property had “[m]ore than \$40,437.55 in taxes... currently due... raising
 20 the risk that the County may move to impose a lien and thereby diminish the property's
 21 value to the Government should this forfeiture action succeed.” *Id.* at *2.

22 The accruing taxes and fees are decreasing the properties' equity. For example, as of
 23 May 13, 2021, taxes are now due on Unit 1803 in the amount of \$2,041.17. *See* Ex. 1. As
 24 more time passes, the amount of delinquent taxes will likely increase for both units. In
 25 *United States v. Fisch*, No. H-11-722, 2016 WL 4702588, at *2 (S.D. Tex. Sep. 8, 2016), the
 26 interlocutory sale was granted due to the accumulation of past due taxes. In *Fisch* the
 27 property was substitute property and was divisible with the defendant's wife. *Id.* Here the
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1 properties were purchased with illegal proceeds, and the whole amount is subject to
 2 forfeiture after any liens and fees are paid.

3 If an accident occurred on the properties, that would rapidly decrease the properties'
 4 equity. The government seeks to preserve as much of the equity as possible for the forfeiture
 5 proceedings. *See United States v. Haley*, No. 11-CR-0540-WDQ, 2011 WL 6202787, at *1
 6 (D. Md. Dec. 8, 2011) (granting the interlocutory sale to avoid liability for accidents and to
 7 “avoid falling in arrears on the payment of applicable property taxes”).

8 The sale proceeds of the properties will be the “substitute res subject to forfeiture in
 9 place of the property that was sold[, and] the United States must maintain them in an
 10 interest-bearing account.” Supp. R. G(7)(b)(iv); *United States v. King*, No. 10 CR. 122 (JGK),
 11 2010 WL 4739791, at *4 (S.D.N.Y. Nov. 12, 2010).

12 “A sale must be made by a United States agency that has authority to sell the
 13 property, by the agency’s contractor, or by any person the court designates.” Supp. R.
 14 G(7)(b)(ii). The government recommends that this Court designate Doug Sawyer to sell the
 15 Veer Condos pursuant to “28 U.S.C. §§ 2001, 2002, and 2004.” Supp. R. G(7)(b)(iii). The
 16 government believes that the listing of real property in the multiple listing service and
 17 approximately 50 of the other major internet websites for real property meets the
 18 requirements of 28 U.S.C. §§ 2001, 2002, and 2004.

19 Abramovs has agreed through his counsel, Margaret W. Lambrose, to the
 20 interlocutory sale of the properties. The United States requests that the Court allow
 21 Abramovs and the government to sell the properties to a third party through Doug Sawyer
 22 in an arm’s length transaction.

23 **III. JUDICIAL SALES PROCEDURE**

24 If a court orders an interlocutory sale of property over the objection of any interested
 25 party, the sale must comply with the provisions of 28 U.S.C. §§ 2001 and 2002. These
 26 statutes provide procedural safeguards to ensure that court-ordered sales are made on terms
 27 that best preserve the parties’ interests. Section 2001(a) authorizes public sales of property
 28 and sales by court-appointed receivers. Section 2001(b) permits private sales of property for

1 cash or other consideration after a hearing of which notice to all interested parties shall be
 2 given by publication, or as otherwise directed by the court, and after the court finds that the
 3 best interests of the estate will be conserved thereby.

4 By this Motion, the United States is requesting authorization to proceed with a
 5 private sale of the above-listed properties. Based upon the reasons set forth herein, the
 6 United States believes that a prompt sale of the properties by Abramovs and the United
 7 States, followed promptly by releasing the proceeds to the United States affords the best
 8 protection to all concerned. The United States believes that a private sale versus a public
 9 sale will allow Abramovs and the United States the discretion to sell the properties in the
 10 most commercially feasible manner.

11 As required by section 2001(b), notice of the Government's Motion must be given
 12 by publication or otherwise as this Court directs. The government takes the position that
 13 placing the real properties in a multiple listing site through Doug Sawyer, a local real estate
 14 agent, will meet this requirement.

15 Pursuant to section 2001(b), three disinterested persons must appraise the
 16 properties. To meet that requirement, the United States has obtained the following neutral
 17 appraisal estimates:

- 18 1. Zillow.com for \$361,500 for Unit 509 and \$519,900 for Unit 1803, as of September
 19 16, 2021;
- 20 2. Trulia.com for \$361,500 for Unit 509, as of September 16, 2021, and \$448,161 for
 21 Unit 1803, as of April 14, 2021¹; and
- 22 3. Redfin.com for \$294,532 for Unit 509 and \$452,806 for Unit 1803, as of September
 23 16, 2021.

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27 28 ¹ The Trulia.com appraisal estimate for Unit 1803 reflects an earlier appraisal date because
 that service has not updated its value as recently as the others listed.

1 **IV. CONCLUSION**

2 For the reasons stated above, the United States respectfully requests that the Court
3 order the sale of the properties described herein on the terms and conditions set forth
4 above.

5 DATED: November 10, 2021.

6 Respectfully submitted,

7 CHRISTOPHER CHIOU
Acting United States Attorney

8 /s/ James A. Blum

9 JAMES A. BLUM
Assistant United States Attorney

10 IT IS SO ORDERED:



11 RICHARD F. BOULWARE, II
12 UNITED STATES DISTRICT JUDGE

13 DATED: November 10, 2021